

LAWS AND ATTITUDES CONCERNING PAUPERISM IN TEXAS DURING THE
LATE NINETEENTH AND EARLY TWENTIETH CENTURIES

An Honors Thesis

Presented to the Honors Program of

Angelo State University

In Partial Fulfillment of the
Requirements for Highest University Honors
Bachelor of Arts in History

By

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May 2014

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To My Parents

Bill and Kathy Logsdon

For pushing me towards a college education

ACKNOWLEDGEMENTS

This thesis would not have been possible without the support and encouragement I received from my family, friends, and professors. I must thank my friends and family for the encouragement provided during long hours of research and writing. Thank you Shannon, Suzanne, and Carol at the West Texas Collection for research assistance, encouragement, and food.

I also must thank Dr. Shirley Eoff. Without her guidance, I would never have undertaken the endeavor of original research. She encouraged me to further my academic pursuits beyond the normal undergraduate degree plan. Throughout my career as a student at Angelo State University, Dr. Eoff has shaped my academic career more than any other person in her capacity as the Honors Program Director, my professor, my editor, my mentor, and hopefully my friend, but not my mother.

I would also like to thank Dr. David Dewar. He kindly oversaw my research project for two years as my faculty mentor. Without his guidance, I never would have chased after the topic of pauperism. When I began my research, I was investigating the history of San Angelo. When I stumbled across paupers in the commissioners' court minutes from Tom Green County, he encouraged me to continue my pursuit of this little known topic as it could eventually turn into a paper. I took his advice, and now it has turned into several papers and a thesis. I am thankful for all the advice he has given me over the past two years, and I hope to be able to continue to turn to him for help in all of my future endeavors.

I thank all of you. While this thesis may be my work, it is because of each of you that it came to fruition.

Abstract

This thesis examines the poor laws of Texas during the 19th and 20th centuries. It argues that even though laws required counties to provide enough aid to the poor to make them comfortable, commissioners provided only a limited amount of relief. This was due to a limited amount of funds and a negative public view toward paupers. This information is contextualized within the laws and attitudes present across the nation at the time. The research followed a historical approach to the materials which were found in newspapers, court records, commissioners' court minutes, and collections within archives.

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Preface

Systems of welfare in the United States have undergone a variety of changes as society and politics evolved. Social Security, welfare, unemployment, Medicare and Medicaid have all been introduced and reformed multiple times within the last 100 years. Prior to the New Deal in the 1930s, the federal government played a passive role in the institution of welfare policies. In the United States, social welfare fell under the responsibility of local governments. Guidelines for the care of indigents descended from the Elizabethan Poor Law passed in 1601. The Queen required counties and cities to care for their own poor. Colonists brought these laws with them, and they became the standard for the next three hundred years in the colonies and, subsequently, America. State legislatures passed laws requiring local governments to care for the poor. Typically, they offered only enough aid to prevent starvation and keep social order. Efforts of America's metropolitan areas to provide mechanisms for aiding the poor are well documented. Other areas also cared for the poor as required, but their accounts have gone unrecognized in the historical record.

This thesis provides a brief account of the American poor law system. It then provides an in-depth look at the poor laws of the state of Texas and an analysis of the methods by which counties carried out those laws. The paper narrows the scope of social welfare to focus only on the aspect of public funding. Research materials come mostly from sources local to the different counties. For this reason, sources may seem sporadic, and a thorough investigation of every county would require a large time commitment and even more funding. The work then delves into the question of what pauperism is and what it meant

to the people of the time. The thesis concludes with an analysis of the successes and failures of the poor law system, and it hopes to leave an impression upon the reader that the pauper laws were not adequate, and the United States has not yet achieved a perfect system of welfare.

Chapter I

Origin and Evolution of Poor Laws

In 1902, J.G. Whitten approached the County Commissioners of Tom Green County asking for assistance. Unable to care for his needs in life, he took the pauper's oath required of those who would ask the public for help. The commissioners placed him under the care of a Mr. T. Brown. Later, in July, the county changed course and paid him \$8 per month directly from the public coffers.¹ While the details of Mr. Whitten's life following his oath are obscure, such support from citizens and the county undoubtedly helped keep him alive, and likely contributed to a sense of well-being absent without public aid.

While Tom Green County provided Mr. Whitten with relief in the early twentieth century, the foundations of care extended to sixteenth century England where the poor relied on an important mix of aid from philanthropy, cities, and the church. However, the sixteenth century was a turbulent time for the church with a division between the Catholics and the Protestants. In the 1530s, Henry VIII split the Church of England from the Catholic Church and closed monasteries in England which traditionally helped to provide aid to the poor. These problems within the church created a vacuum in aid provided to the poor and required more governmental relief. Parliament passed several laws throughout the 1500s, creating

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¹ Tom Green County (TGC) Commissioners' Court Minutes: Book 4, County Clerk's Office, TGC Annex, 198.

different regulations.² In 1601, the English Parliament passed an “Act for the Relief of the Poor,” commonly known as the poor law. This Elizabethan Poor Law consolidated each of the previous laws and defined how overseers should help the poor.³

This law created several important provisions regulating poor relief. It delegated responsibility to the parishes and required the justices of the peace to appoint, in the language of the law, overseers of the poor. Most importantly, the law allowed for the creation of a tax to raise money for the poor, and it outlined the duties of the poor law administrators. The law required the overseer to set the tax rate, collect the funds, assist the poor through the distribution of funds or goods, and oversee the local poorhouse. The law outlined the two main types of aid: indoor relief and outdoor relief. Indoor relief involved care inside a poorhouse or workhouse while outdoor relief provided aid outside of an institution. Poorhouses housed those who could not work, while workhouses forced the able-bodied to work and earn their keep. The overseer gave money or goods to the able-bodied poor who worked but did not make enough to subsist on their own.⁴ This law, amended many times over the following two centuries, became the basis of laws in the United States.

The Elizabethan Poor Law followed colonists into the New World. Colonies used it as the basis of their own laws concerning the care of the poor. Following the American Revolution and the adoption of the Constitution, states retained the right to regulate the care

² For an overview of sixteenth century poor laws, see Morgan Kelly and Cormac Ó Gráda, “The Poor Law of Old England: Institutional Innovation and Demographic Regimes,” *Journal of Interdisciplinary History*, XLI: no. 3 (Winter 2011): 339-366.

³ *The Poor Law Act*, National Archives of the United Kingdom, 1601. A transcription of this act is located on the National Archives website of the United Kingdom at www.nationalarchives.gov.uk/humanrights/1500-1760/doc-poorlaw-transcript.htm

⁴ *Ibid.*

of the poor as it was one of “the powers not delegated to the United States by the Constitution.”⁵ Each state enacted its own laws concerning the care of the poor which in turn passed this responsibility on to the local county or parish governments within the states. Different states passed different regulations, but a general trend emerged within the laws. During the seventeenth and eighteenth centuries, states provided a mixture of outdoor and indoor relief as necessary. However, during the nineteenth century, the trend began to focus more on indoor relief as it proved less open to corruption and allowed for more control over the poor.⁶

The federal government did not involve itself with the care of the poor very often, and this decentralization of social welfare policies resulted in a myriad of state laws to fill the void. Before the New Deal legislation of Franklin Delano Roosevelt, Congress only passed laws concerning the welfare of civil war veterans; but during the latter part of the nineteenth and early twentieth centuries, it began to collect census records of poorhouses and workhouses. This marked the first time a single work contained a comprehensive view of care in the United States. To the historian studying poor relief, the most important of these is the 1904 census carried out by John Koren who compiled a comprehensive summary of laws governing the relief of the poor in every state at the time of publication.

This 1904 census showed that state laws continued the tradition of passing responsibility onto local governments. Most of this responsibility went to the county courts or overseers while some states passed it onto cities and towns. A limited few gave

⁵ *U.S. Constitution*, amend. 10.

⁶ For information on the historical development of pauper relief, see Priscilla Clement, *Welfare and the Poor in the Nineteenth-Century City* (London: Associated University Presses, 1985), 67-80.

responsibility to both, either by splitting responsibilities between the two or requiring cities of a certain size to care for their own poor due to the significant number on the pauper roles. Only in limited circumstances did the states themselves actually help pay for any aid, and they restricted this only to those paupers who did not have residency established in a specific county, parish, or district. Laws required the poor to establish their residency in counties for a specific amount of time from thirty days to seven years. Idaho had the most lax laws concerning residency, even extending aid to poor from other states. As another general provision, most states required immediate family members to provide care if possible before counties could even consider providing public aid. The states also passed stringent laws forbidding the entry of dependent poor or the bringing of paupers into states where they were not legal residents. Punishment for such crimes ranged from misdemeanors and fines, between fifty and one hundred dollars, all the way to imprisonment for felonies. Other provisions included sending children to orphan homes, apprenticing them to a worker in town, or providing medical aid to all paupers.⁷ However, some states stood out with unique provisions.

Ohio had the most comprehensive laws regulating the care of the poor. The state required townships to care for the poor. The poor must have lived in the town of application for at least twelve consecutive months, and the proper authorities had to investigate this claim. Applicants who could not establish their residency would be deported at the expense of the town where they legally resided.

⁷ John Koren, *Paupers in Almshouses, 1904* (Washington D.C: United States Bureau of the Census, 1904), 41-49. This is a brief summary of the general provisions found within the several states.

Towns had to provide medical relief for any qualified poor, as well. If a pauper received outside relief, laws required them to work for the value of aid provided in any public park, highway, or other public area. If the recipients refused to work, commissioners could have them arrested as vagrants. The laws required the poor within institutions to work for their support; if they refused, the laws empowered overseers to force them to work. The legislature required superintendents to provide employment for all inmates. If at any time an inmate of an institution inherited any property of value, the inmate became responsible for all costs incurred by the town. Governments sent children to homes maintained by private charity. Towns published a complete account of all aid provided and to whom in local newspapers.⁸

In contrast to Ohio's solutions, Idaho put the fewest restrictions on who could receive aid as paupers. They did not require any family members to care for the poor, and they left many of the choices concerning the care of the poor up to the county commissioners rather than requiring them to provide aid in a certain way. The law did require commissioners to appoint a county physician specifically to provide medical care to paupers.⁹

Unlike the states previously discussed, some states such as Maryland and Florida passed no legislation concerning a pauper's care. State constitutions required counties to care for the poor, but they did not establish guidelines for counties to follow while providing relief to the poor.¹⁰

⁸ *Ibid.*, 46.

⁹ *Ibid.*, 42.

¹⁰ *Ibid.*, 42-43.

The wide variety of laws throughout the nation meant that relief would vary between states. Laws concerning the indigent in Texas fell in the middle of the spectrum concerning public aid. The state legislature passed laws which regulated more who could receive aid than how counties should provide assistance. Much of the legislation passed by the Texas legislature appeared vague and left most of the decisions up to county governments. Thus, relief in Texas also varied county by county depending on how many needed support and a county's ability to provide it.

Chapter II

Poor Laws of Texas

Texas passed three laws in the 1870s which governed the ways counties provided public aid well into the twentieth century. These laws outlined only the most basic guidelines for counties to consider when distributing aid. At times, counties tried to provide as little aid as possible. Sometimes this proved more harmful to the county due to lawsuits, but in the long run it was more beneficial for the system and the poor as courts began to better define requirements.

The most basic law the state passed authorized the burial of paupers. This law required all counties to provide for the burial of all paupers in their boundaries.¹ Some considered this “a duty the county owes to every pauper, no matter whether he has been formally declared a pauper by the county or not.”² Counties had to bury the poor as an absolute necessity for public health. Legislators considered it a requirement for human remains to be disposed of in a respectable manner. As a result, this is one of the few pieces of legislation from the time of the poor laws which remains valid today.

Counties also needed to provide support to the living. The Texas Constitution of 1876 stated: “Each county in the State may provide, in such manner as may be prescribed by law, a manual labor poor house and farm, for taking care of, managing, employing and supplying

¹ “Article 2241, Section 10,” *Vernon’s Sayles’ Annotated Civil Statutes of the State of Texas* (Kansas City, MO: Vernon Law Book Company: 1914), 1825.

² *McNorton v. Val Verde County* [1894], 25 S.W. 653.

the wants of its indigent and poor inhabitants.”³ Shortly after ratification of the constitution, the legislature passed a law prescribing the methods and guidelines for establishing a poor farm. This law gave counties the power to purchase all lands and materials for the construction of a “manual labor poor-house” when they deemed it expedient.⁴ It allowed for paupers to work “in such a way as they [commissioners] may deem proper, without endangering the health of said paupers.”⁵ Local governments appointed superintendents of the poor farms, and the law required the commissioners to inspect the farms every two months.⁶ To help pay for the upkeep of the poor, the law authorized them to raise a tax of no more than “one-fourth of one percent of the value of the taxable property of the county.”⁷

This law also specified the general guidelines by which counties should care for the poor. It required commissioners to see that they “properly cared for” the poor, and it allowed the county to hire a physician for this purpose.⁸ Most importantly, the law gave the commissioners the power to require the poor to work and to house them in any location they deemed suitable. A pauper’s refusal to “abide by the disposition made of him by the commissioners,” absolved the county from providing him or her with aid.⁹

³ Debbie Mauldin Cottrell, “The County Poor Farm System in Texas,” *Southwestern Historical Quarterly* 93 (1989): 170-173.

⁴ Bill file, Senate Bill No. 12, Fifteenth Texas Legislature, 1876, Texas State Library and Archive, Austin, TX, section 2.

⁵ *Ibid.*, Section 10.

⁶ *Ibid.*, Sections 6-7.

⁷ *Ibid.*, Section 4.

⁸ *Ibid.*, Section 3.

⁹ *Ibid.*, Section 10.

In addition to actually providing relief, counties also needed to have guidelines by which to decide who deserved aid. The legislature passed a third poor law in 1879. This restricted the definition of a pauper rather than implementing guidelines for care.¹⁰ This law required the poor to be physically unable to support themselves. They could not have any other means of support, including family, and they must be a resident of the county from which they applied for aid.¹¹ This forced the poor to resort to all other options before they could receive aid. It also gave the commissioners the power to interpret the phrase “without any means of support” stringently or leniently. Only the commissioners could require support be given to a pauper.

These laws formed the basis of the poor law in the civil statutes of the State of Texas. Under the responsibilities of the commissioners’ courts, the statutes state:

9. To Provide for the support of paupers and such idiots and lunatics as can not be admitted into the lunatic asylum, residents of their county, who are unable to support themselves. By the term resident as used herein, is meant a person who has been a bona fide inhabitant of the county not less than six months and of the State not less than one year.

10. To provide for the burial of paupers.¹²

The statutes are vague on what they mean by support, the definition of the word pauper, and other questions which arose over the time of the poor laws which caused disputes within the system of care. However, a number of court cases toward the end of the 19th century helped to resolve these disputes.

¹⁰ Bill file, House Bill No. 282, Sixteenth Texas Legislature, 1879, Texas State Library and Archive, Austin, TX.

¹¹ *Ibid.*, Section 4.

¹² “Article 2241, Section 10,” 1825.

Three court cases impacted the poor law system of Texas in a positive manner. *Kirk v. Brazos County* (1884), *Monghon & Sisson v. Van Zandt County* (1886), and *McNorton v. Val Verde County* (1894) each helped to clear up confusion and establish stricter guidelines concerning the care of the poor. *Kirk v. Brazos County* legally defined paupers as “persons so indigent as to be dependent on the county for support.”¹³ This is important more for technical purposes than any practical matter because neither the legislation nor any of the statutes defined pauperism.

Questions also arose concerning what kinds of aid the state required counties to provide. *Monghon & Sisson v. Van Zandt County* addressed issues in a way that made it one of the most important and profound of the court cases. It established the counties’ duties for support of the poor, defined the types of support necessary, allowed county judges to enter into contracts when necessary; and required counties to provide medical attendance for paupers.¹⁴ The case involved two doctors, Monghon and Sisson, who sued Van Zandt County over fees incurred during the provision of medical services to a pauper named Stewart. Upon request from the county judge the doctors performed surgery on the poor man and saved his life. The county refused to pay the \$183 bill for the services.

The plaintiffs won the case and received \$129 payment and court costs, but the county appealed the case and won in the county court. Monghon and Sisson appealed to the Texas Court of Appeals. The opinion by Justice P. J. White made a permanent impact on the care provided to the poor. First, he stated that officers of a county have the power to create

¹³ John N. Henderson, *R. H. Kirk v. Brazos County*, reported in: *The Texas Reports: Cases Adjudged in the Supreme Court of the State of Texas*, Vol. 73 (Austin, TX: The State of TX, 1884), 60.

¹⁴ *Monghon & Sisson v. Van Zandt County* [1886], 3 Willson 240, 1886 WL 4550 (Tex. Ct. App.).

contracts on behalf of said county, and the counties are responsible for those contracts. Second, he defines what the statutes mean by the support of paupers: “‘Support,’ as here used, means more than supplying them with food and clothing and a house to stay in. It means all that is necessary to bodily health and comfort, and especially does it include proper care, attention and treatment during sickness.”¹⁵ Justice White helped to ensure the poor could have a relatively comfortable quality of life. Commissioners could not provide paupers with merely the basic necessities; they needed enough to live comfortably and without pain. He continued, “This is a supreme obligation of humanity, independent of any statutory mandate.”¹⁶

White continued to say that even if the county did not formally contract with the doctors, they were required to provide medical relief; when the county judge asked for assistance, the county entered into a spoken contract. Monghon and Sisson won, and the county had to pay all court costs and the \$183 which the doctors originally requested.¹⁷ However, the poor won a bigger victory. Finally a clear explanation of the required amount of aid existed, and it guaranteed the poor more than just a minimum level of support from counties.

McNorton v. Val Verde County continued to define the legislation. The case affirmed the accountability of the counties, but its importance lies in placing some responsibility on the state. The case centered on the burial of paupers who died from smallpox within the confines of pesthouses which the state operated as quarantine areas to prevent the spread of

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

deadly diseases. The appellant, T. G. McNorton, constructed several coffins which the state used to bury the quarantined sick. He billed the state-employed doctor at the pesthouse for \$5 per coffin, but the county did not pay him even though he believed the county owed him payment.¹⁸

The justice who decided the case made several points in his opinion. First, he decided that a county holds responsibility for the burial of the poor within its boundaries whether the county formally declared them a pauper or not. This ensured that all human remains would be disposed of in a proper humane manner. Second, he ruled that notice of burials should be given to the county judge or a commissioner in order to make the county liable for the burials. He claimed that without this, “It would open the door to frauds on the counties if individual citizens are given the authority to decide who are paupers.”¹⁹ However, the central question considered in the case involved the county’s responsibility for the remains of those in a state run institution. While McNorton was due money for the burials, the county did not owe him compensation. The judge decided, “A county is not liable for coffins of paupers dying in a pesthouse which is in charge of the state, under the quarantine laws.”²⁰ He continued, “If the state is in charge of the quarantine, the expense of the burial of the paupers who die in their charge would rest upon the state”²¹ The decisions made in the McNorton case reinforced the laws concerning the burial of the poor and helped to put some of the responsibility on the state.

¹⁸ *McNorton v. Val Verde County* (1894).

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

These court cases helped to better define the laws enforced by the counties. The legislature wrote the laws vaguely and left them open to much interpretation. This may have been because the state needed to ensure counties provided aid with as little involvement possible due to a negative public opinion regarding poor laws. However, the judges who decided each of the previous cases helped to clear up much of the ambiguity in a positive manner. P.J. White truly defined the legal interpretation of the pauper system in Texas with his profound opinion. It provided the first piece of evidence seen to suggest the poor should be kept comfortable through care. When he said commissioners had a “supreme obligation,” he clearly showed some revolutionary ideas concerning social welfare. This required counties to provide the poor with better provisions; however, the system still left many choices up to commissioners as discussed in the next chapter.

Chapter III

Types of Aid in Texas

Due to the vague nature of the laws, counties provided aid in many ways. Each of these helped the poor in a slightly different manner with varying goals in mind. Despite the variations allowed, the state required counties to provide aid to all who needed it. The state required counties to provide a minimum of care to the resident poor either through indoor or outdoor relief and to bury paupers.

Counties needed to bury the poor as its most basic requirement in order to properly dispose of human remains. Less populous counties worked on a case-by-case basis. But as prices increased due to large numbers of burials, it became more efficient to contract with undertakers for set rates in an attempt to cut costs. This change due to growth in numbers appears most obviously in Tom Green County's records. Before 1893, the county spent between \$2.50 and \$14 per burial, with the price gradually increasing.¹ Due to the rising expenditures the county began to engage contractors. J.J. Rackley received the contract to bury paupers at the August 1893 meeting of the Commissioners' Court. The contract specified \$16 to bury someone over four and a half feet tall and \$12 for those shorter.² The commissioners renewed his contract in February of 1894.³ In 1895, the county split the

¹ Tom Green County (TGC) Commissioners' Court Minutes: Book A, West Texas Collection (WTC), Angelo State University, San Angelo, TX, 128, 302; TGC Commissioners' Court Minutes: Book 2, County Clerk's Office, TGC Annex, 88 and 90.

² TGC Commissioners' Court Minutes: Book 4, County Clerk's Office, TGC Annex, 61.

³ *Ibid.*, 81.

contract. Grant and McNease constructed coffins for \$5.45 for larger people and \$4.45 for smaller individuals. John W. Dean buried the paupers in the Potters' Field of the City Cemetery for \$4 apiece.⁴

Despite the counties' efforts, expenses continued to pose a problem which officials could not ignore. The mechanisms and costs varied from county to county. In 1934, the Lubbock County Commissioners' Court paid the Lubbock Cemetery Association \$8 for each burial.⁵ The county continued to contract with the Lubbock Cemetery Association but with exorbitant cost increases. In 1941, the burials increased to \$35 for adults and \$20 for children; the fees increased again to \$45 per individual in 1945 so that the costs had more than quadrupled in less than fifteen years.⁶ The city council of El Paso at times assisted El Paso County with burying the dead; but in 1910 the city could no longer afford the costs, and the commissioners once again assumed the expenses on their own.⁷ Not only did the commissioners encounter high costs, but they had to pay for so many burials that the county needed to buy more land in 1910 for the cemetery.⁸ Travis County took a different route, keeping costs low by hiring a sexton and paying him a set wage rather than by the burial.

Though rare, some counties did not encounter as much of a problem with costs. In 1908, the *Amarillo Weekly Herald* reported that the Potter County Commissioners contracted

⁴ *Ibid.*, 156.

⁵ Lubbock County (LC) Commissioners' Court Minutes: Volume 6, County Clerk's Office, LC Courthouse, 25 and 416.

⁶ LC Commissioners' Court Minutes: Volume 7, County Clerk's Office, LC Courthouse, 226 and 543.

⁷ *El Paso Herald*, February 17, 1910.

⁸ *El Paso Herald*, July 28, 1910.

for \$4.90 per burial when they previously paid \$12.50. The paper speculated that some undertaking companies put forward low bids to ensure they received the contract with the hope that a family member would be willing to put forward more money towards the burial.⁹ *The Megaphone*, a newspaper in Georgetown, reported in 1917 an interesting case where a pauper donated his body as a cadaver to the Southwestern Medical Institute which prevented the county from having to provide for the burial.¹⁰

Commissioners also had to dispense aid to the living poor in their counties. One of the laws of 1876 took a direct, but vague, approach to caring for indigents while they lived in the counties. This required the county commissioners to care for the paupers in their precincts, but it failed to specify what constituted care. In essence, the legislature required counties to provide aid but left it to the individual counties to determine their own mechanism for dispensing that aid. Methods by which counties provided care depended on the number of those in need and the resources available.

Less populous counties provided care individually as paupers or those assisting paupers approached the commissioners. At first, these counties reimbursed citizens for helping paupers, but later began to issue money directly to the poor. Tom Green County's records present a fairly comprehensive picture representing how types of aid changed as counties grew. Before 1894, the county reimbursed local businesspeople for providing

⁹ *The Amarillo Weekly Herald*, February 20, 1908.

¹⁰ *The Megaphone* (Georgetown, TX), December 4, 1917.

services or supplies to the poor.¹¹ In 1894, however, the county began to issue money directly to paupers.¹² The minutes mentioned pauper lists several times during the 1890s, but the commissioners did not publish any of the lists until 1913. After that, records identified individuals receiving aid. Between 1913 and 1931, when the county stopped publishing the lists, the county gave monetary aid to an average of twenty-three paupers each year with a low of twelve paupers in 1916 and a high of thirty-seven in 1931.¹³ The county spent \$5,232 on allowances alone in 1931.¹⁴ The increase of the needy population combined with higher costs warranted additional funding.

Lubbock County presents a different case. Between 1891 and 1931, the commissioners provided aid to only twelve individuals.¹⁵ By 1931, the Great Depression, a large population increase, and the Dust Bowl exacerbated the problem of indigent care and required a more comprehensive approach. The county and the city of Lubbock created the Lubbock City-County Welfare Association to administer the funds for welfare services. The county provided two-thirds of the funding while the city supplied one-third.¹⁶ This

¹¹ TGC Commissioners' Court Minutes: Book A, WTC, Angelo State University, San Angelo, TX, 108, 128, 221, and 248; TGC Commissioners' Court Minutes: Book 2, County Clerk's Office, TGC Annex, 85.

¹² TGC Commissioners' Court Minutes: Book 4, County Clerk's Office, TGC Annex, 145.

¹³ TGC Commissioners' Court Minutes: Book 6, County Clerk's Office, TGC Annex, 249; Commissioners' Court Minutes Book 7: 94, 220, 362, 473, and 595; Commissioners' Court Minutes, Book 8: 248, and 586; Commissioners' Court Minutes Book 9: 51, 129, 229, 349, 462-63, and 585-86. The lists start in 1913 and are missing for the years 1914-15 and 1923-24.

¹⁴ TGC Commissioners' Court Minutes: Book 9, County Clerk's Office, TGC Annex, 585-86.

¹⁵ LC Commissioners' Court Minutes: Volume 1, County Clerk's Office, LC Courthouse, 551, 563, and 566; Volume 2, 311; Volume 5: 151, 210, 218, 324, 423, and 434.

¹⁶ *Lubbock Avalanche-Journal*, August 31, 1931.

association now dispersed all funding for the care and burial of paupers. At this point the county desperately needed funds for the support of the poor. The association spent \$95,419.79 between October 1931 and 1937 with \$63,613.19 coming from the county. The Welfare Association spent at least \$10,000 dollars each year, and this cost continued to rise.¹⁷ *The Lubbock Morning Avalanche* reported in May 1941 that the county transferred an unprecedented \$5,000 to the Welfare Association's funds, indicating that the demand for aid outstripped available funds.¹⁸ The association did what it could to cut costs on its end and provide jobs for the poor. For example, in 1932, the *Avalanche* published a series of articles revealing the association's denial of aid to able bodied applicants citing farmers' need for laborers.¹⁹ Taylor County also created an association partnering with the city of Abilene in the 1930s.²⁰ These two counties created a unique means of sharing costs, which none of the other counties in West Texas show evidence of adopting.

Though the evidence has not shown that other counties and cities created official associations, major cities within Texas all contributed to assisting the poor within the city limits. At least, Galveston, San Antonio, Dallas, Austin, and Fort Worth each helped their

¹⁷ *Lubbock Avalanche-Journal*, January 16, 1938.

¹⁸ *Lubbock Avalanche-Journal*, May 13, 1941.

¹⁹ *Lubbock Avalanche-Journal*, November 9, 1932, November 26, 1932, and December 9, 1932.

²⁰ Taylor County Commissioners' Court Minutes: Book K, Microfilm Collection, WTC, Angelo State University, San Angelo, TX, 147.

counties provide aid to indigents as well. Austin's city law required the mayor to hire a physician to care for the medical relief of the poor within the limits of the city.²¹

As populations increased, the demand for more help arose, and counties needed assistance in providing aid to the poor. Indoor relief helped to alleviate this growing concern. In Texas an important system of poor farms existed dating to the aftermath of the Civil War. No matter how a county dispensed outdoor relief, if too many people needed care, the poor farm proved to be the most efficient method. A small indigent population did not warrant the cost of a poor farm so few counties purchased and operated farms.²² Due to population distribution at the time, these were mostly located in the central and northern parts of the state with a limited number founded in the 1900s in South and West Texas. Over 60 counties provided aid through a poor farm system, but the exact number of poor farms is unknown due to a lack of records.

Missing records translates to a lack of information concerning the poor farms. Two kinds of records typically exist for poor farms in Texas: the superintendent of the poor farm's records (which rarely made it back to the commissioners with other county records) and mentions in counties' commissioners' minutes. A rare gem still exists in the Bexar County Commissioners' Court Minutes. In March of 1875, the county published the rules of the poor-house in the minutes which provide excellent details about what they required supervisors to do along with some basic regulations concerning the poor. The rules required

²¹ "Article 484," *Revised Ordinances of the City of Austin*, 1908 (Austin, TX: City of Austin, 1908), 128.

²² Cottrell, 170-173.

the superintendent of the poor farm to keep full records of all inmates of the poor farm. This included name, age, nativity, trade, sex, marital status, citizenship, date of admission, and cause of pauperism. They also had to keep full accounts of all funds spent on food, clothing and other supplies. The county physician had to examine each pauper before admittance to the poor farm. If found contagious of any disease dangerous to life or health, the county would not admit them. Upon admittance paupers were bathed and provided with new clothes.²³

The rules continued by requiring any able-bodied pauper to work. If a pauper refused to work, they only received bread and water. On the second offense, the commissioners required the superintendent to discharge any pauper. Residents of the farm had to extinguish all lights by 7:00 PM. The rules also required the superintendent to educate and employ pauper children and forbade the drinking of alcohol and gaming, with or without money. Commissioners authorized harsh punishment for noncompliance. “All inmates who are found intoxicated, or guilty of improper conduct, or who use violent, and profane, or may use obscene language, shall be either discharged or punished by bread and water diet for a length of time as the superintendent may direct.”²⁴

Other surviving records help to illustrate the legal aspects of operating the poor farm. The Minutes of the Tom Green County Commissioners’ Court contain mainly information about the hiring of the superintendent, and they show little information about those who lived

²³ “Rules and Regulations for County Poor-House, Bexar County, TX, Rules 1-4,” Bexar County Commissioners’ Court Minutes, Vol. 3-A, 588-590.

²⁴ *Ibid.*, Rule 5, 591.

at the poor farm. However, a letter in the Minutes gives an idea of the type of people hired as superintendent and insight into why records might be sparse.

To the Honiberal Comishur [sic] Court. I am sending in my bid for the County farm. I will take care of the old people, feed and do the Laundry and keep up the place for 20.00 Dollars per month each, I have my cows and chickens and will raise my own vegetables [sic], I think I have had experence [sic] in running busness [sic] that I can handle the place if I should be lucky enough to get the place. Mr. and Mrs. M. O. Bates.²⁵

The court accepted the application, and Mr. and Mrs. Bates remained the poor farm superintendents until 1930.²⁶ The use of language here suggests Mr. and Mrs. Bates were not educated people. They would likely have had difficulty maintaining written records suitable for inclusion in formal proceedings.

Lubbock County also published records hiring superintendents, and the evidence shows an alternate method. The commissioners purchased a poor farm in April 1917. In May the county began paying for a farm supervisor month-to-month at \$40.²⁷ In August the method of employing a farm superintendent changed. The county rented the farm to a sharecropper who looked after the paupers, and he or she received one-third of every crop grown on the farm except for wheat.²⁸ This continued until 1935. With this system the commissioners found a way to avoid having to pay the farm superintendent, but they still had

²⁵ TGC Commissioners' Court Minutes: Book 8, County Clerk's Office, TGC Annex, 383.

²⁶ TGC Commissioners' Court Minutes: Book 9, County Clerk's Office, TGC Annex, 462. In 1930 P.F. Conway was awarded the contract to care for paupers at the poor farm.

²⁷ LC Commissioners' Court Minutes: Volume 3, County Clerk's Office, LC Courthouse, 143.

²⁸ *Ibid.*, 169.

to pay for any services or goods the farm could not provide.²⁹ In 1935, the county appointed a commissioner in charge of the poor farm; two years later they began appointing citizens of the county as manager.³⁰ They leased the farm again in 1939 and 1940, but after that year they appointed managers until someone bought the farm in 1943.³¹

The poor farms could be helpful, but sometimes a county would purchase a farm when they really did not need one. The *El Paso Daily Herald* reported in 1896 that Judge Harper suggested the county should close the poor farm because the majority of paupers suffered from disabilities and could not work, thus the county could board them somewhere in town more cheaply.³² Without able bodies to work, the county wasted money operating the farm. However by 1910, the county needed a new poor farm due to a rising pauper population.³³

Despite the increase of need, as seen in El Paso, throughout the early twentieth century, everybody who asked for or may have required aid did not always qualify to receive assistance. The 1879 law passed by the legislature placed restrictions upon those who could apply as paupers. The legislature placed residency restrictions on who could receive aid, and

²⁹ LC Commissioners' Court Minutes: Volume 4, County Clerk's Office, LC Courthouse, 397.

³⁰ LC Commissioners' Court Minutes: Volume 6, County Clerk's Office, LC Courthouse, 324.

³¹ LC Commissioners' Court Minutes: Volume 7, County Clerk's Office, LC Courthouse, 32, 35, 218, 328, 402, and 483.

³² *El Paso Daily Herald*, December 16, 1896.

³³ *El Paso Herald*, August 4, 1910.

each county took advantage of this to limit expenses.³⁴ Lubbock County sent some paupers as far away as North Carolina and Louisiana to reduce their own welfare rolls believing that one time cost of transportation offset the ongoing cost of care.³⁵

Tom Green County's minutes reflect a similar attitude. In at least one instance they authorized commissioners to purchase railroad tickets and provide a cash advance for a pauper.³⁶ *The Abilene Daily Reporter* told the story of an old merchant from Blanco, Texas, who fell on hard times. He lost his money, went blind, and lost a foot in a tragic accident. He stayed for a few days at a gentleman's house in Taylor County, but the county could not provide him aid so he had to search for a brother in Comanche County.³⁷ Relocation of paupers allowed counties to defray their own costs, but at the expense of other counties—if that county decided to provide care. The law also allowed each commissioner discretionary authority to determine who qualified as a pauper.³⁸ This gave the individual commissioners much responsibility, but it also gave them a significant degree of individual power to determine who received aid. Thus, the laws left the system open to corruption as the commissioners could deny or provide aid to whomever they chose.

³⁴ Bill file, House Bill No. 282, Sixteenth Texas Legislature, 1879, Texas State Library and Archive, Austin, TX.

³⁵ LC Commissioners' Court Minutes: Volume 1, County Clerk's Office, LC Courthouse, 551; Volume 3, 145.

³⁶ TGC Commissioners' Court Minutes: Book 6, County Clerk's Office, TGC Annex, 59.

³⁷ *Abilene Daily Reporter*, November 4, 1909.

³⁸ House Bill 282.

El Paso and Potter Counties encountered a more severe problem with transients. Potter County received many paupers from other counties even though they did not reside there. *The Amarillo Weekly Herald* reported in June 1907, “The “move on” policy used by many towns dealing with objectionable characters, works a hardship on the town where the wanderers must stop and as Amarillo is a junction point of railroad lines, this city gets more than her share of the ‘discard’ from other towns.”³⁹ Because of its location, Amarillo kept receiving paupers they should not have been responsible for, placing an extra burden on the county.

Counties saw similar cases of transience across the state, and El Paso County offers a very unique West Texas case. During the 1890s and the first few decades of the 1900s, many newspapers called for more immigration control. The papers said that too many “pauper laborers” immigrated from Europe or Asia, and they worked for lower wages than Americans.⁴⁰ They wanted to keep out the destitute and sick as it just exacerbated all of the problems currently existing.⁴¹ Other than the reported influx of Europeans and Asians, El Paso encountered a problem with Mexican immigrants. Many came to work, but in one account from the *Daily Herald* from August of 1897, the county had to send a Mexican woman and her five children, who the county had temporarily taken charge of, to Lerdo, Mexico, because they could not support the transient family.⁴²

³⁹ *The Amarillo Weekly Herald*, June 6, 1907.

⁴⁰ *El Paso Herald*, November 24, 1910; *El Paso Daily Herald*, June 12, 1897.

⁴¹ *El Paso Daily Herald*, January 16, 1901.

⁴² *El Paso Daily Herald*, August 10, 1897.

Counties provided aid across the racial spectrum despite racial prejudices during the time. When a poor black man requested aid in Tom Green County in 1883, the commissioners gave George Jackson, a black businessman, \$11.00 to provide the pauper with support. Though this suggested some degree of segregation by requiring black people to take care of other blacks, counties still provided support to minority populations.

The evidence shows that counties in Texas provide a sufficient amount of aid to the poor even across racial boundaries. It suggests that smaller more western counties provided relief on a more personal level. In smaller less populated areas, commissioners were more likely to know the poor and to know those who could provide for the poor. When a county had a higher need for care, commissioners had to find ways to care for more people at the same time and processes became more systematic and bureaucratic. Despite counties' provision of aid, the public generally did not support this system of relief which placed large cost burdens on public coffers.

Chapter IV

The Pauper Question

Other than the provision of relief, many questions surrounded the idea of pauperism. The issues of cost, determining which individuals deserved aid, and preventing more people from falling into destitution have been discussed to some extent. However, life as a pauper has not received thorough discussion probably due to a lack of sources.

Paupers lived a harsh and unenviable life. Legally, commissioners should have provided more aid than the basic necessities that life required. But in actual practice, they truly only provided a limited amount. A view of the future for a poor person would seem bleak at best. The ballad *Over the Hill to the Poor-House* by Will Carleton helps to illustrate the view toward pauperism:

Over the hill to the poor-house I'm trudgin' my
 Weary way—
I, a woman of seventy, and only a trifle gray—
I, who am smart an' chipper, for all the years I've told,
As many another woman that's only half as old.

Over the hill to the poor – house—I can't quite make
 It clear!
Over the hill to the poor-house—it seems so horrid
 Queer!
Many a step I've taken, a-toilin' to and fro,
But this is a sort of journey I never thought to go.

What is the use of heapin' on me a pauper's shame?
Am I lazy or crazy? am I blind or lame?
True, I am not so supple, nor yet so awful stout;
But charity ain't no favor, if one can live without.

I am ready and willin' an' pay my honest way;

For I can earn my victuals, an' more too, I'll be bound,
If anybody is willin' to only have me round.¹

Writing in the voice of a seventy year old woman, Carleton depicts the bleakness of the situation facing a poor woman anticipating confinement in a poor house. The narrator explains how she never expected to go to the poor house. She cannot believe that she will have to face the horrors of the poor house. The public would pass shame onto her if she took a pauper's oath. She asks if she is crazy, blind, or lame because they should be the only ones found in a poor house. The public considered charity toward those who do not suffer from physical disabilities unnecessary and saw those who received it as the worst kind of people. The ballad continues with a description of how she worked all of her life, but as she aged, all of her children turned her out and sent her to the poor house.²

In a poetic manner, the ballad shows some of the fears of receiving public relief at the turn of the twentieth century. In fact, it was meant to inspire fear of being a pauper which in turn perpetuated the negative view toward those who received public aid. This negative view from the public hindered the support given to the poor, making their situation more dire. In her 1969 Master's thesis, Sybil Williams wrote, "the traditional attitude of horror at confinement in such a home insured that only the hopelessly destitute would live there."³

Many horrible things happened at poor houses all over the country. *The Dallas Daily Herald* reported in 1877 that commissioners inadequately supplied the poor farm in Hudson

¹ Will Carleton, "Over the Hill to the Poor-House," *Farm Ballads* (1873; repr., New York: Harper and Brothers Publishers, 1901), 32.

²*Ibid.*, 33-36.

³ Sybil J. Williams, "The Development of Welfare Programs in Lubbock, Texas, 1891 to 1965" (MA Thesis, Texas Tech University, 1969), 20.

County, New York. The poor received no more than cabbage and bread to eat and babies only one pint of milk per day. The county reportedly neglected the indigent population in favor of building a new courthouse.⁴

The almshouse in Boston faced different problems. An 1883 article from the *New York Times* helps to explain the depressing situation of the poor house. The plans for the almshouse originally specified a maximum capacity of 1,000 people. However, at the time of the article, it housed between 1,500 and 1,700 people every day. “It is a sad, pathetic picture...Joy, as it is known to ordinary mortals, can nevermore penetrate this exterior. Life is crystalized into one purpose and object—to eat.”⁵ The poor all over the country experienced similar conditions not just in New York or Boston.

These examples help to show the horrid conditions found in almshouses, and though fewer cases occurred in Texas, one example does show similar mistreatment. The poor farm of Travis County faced scandalous allegations in 1883. The *Austin Weekly Statesman* reported that the superintendent of the farm had embezzled funds for his own personal gain. He used money dedicated to the poor to pay for furniture and curtains. He also refused to give reports on the state of the farm to the commissioners. Allegations of cruel treatment of the inmates at the poor farm also surfaced. However, the paper reported that investigations exonerated the superintendent, and the commissioners only “censured” him for any shortcomings. Rather than fixing the problems, the county only gave those responsible a slap on the wrist. The article also refers to a scandal at the Dallas County Poor Farm which

⁴ *The Dallas Daily Herald*, November 2, 1877.

⁵ “The Home of the Pauper: Inmates of the Almshouse on Blackwell’s Island,” *The New York Times*, August 13, 1883.

“disgraced the pages of history.”⁶ However, no account of the alleged outrage could be found.

Apart from exploitation by those providing aid, paupers lived a difficult life because of the negative view toward those who received aid. Just as the “pauper’s shame” frightened the old woman, all paupers faced the same humiliation and mistreatment from the public. The public often considered paupers second or even third class citizens equal to thieves or murderers. Some states like Tennessee or Pennsylvania auctioned paupers for their labor. In 1899, *The Washington Post* reported that “It has been customary in Lackawaxen Township, in Pennsylvania, to sell the poor at auction, so that the sign, ‘A Woman for Sale,’ is hardly less familiar there than in the South during the days of slavery.”⁷

The disapproval toward paupers stemmed from the fact that they relied upon public coffers for aid. The *Abilene Daily Reporter* mentioned in an article on December 16, 1910, that “Every pauper...is a distinct loss to society. He is one of the considerable items in the cost of living, and an item which is growing steadily.”⁸ The general public viewed them as a drain on the public money which could be better spent on other projects.

This mistreatment and disapproval extended to the violation of paupers’ rights. The majority of states, including Texas, prevented them from voting. Counties also prevented them from marrying and having children. The *El Paso Daily Herald* reported the words of a professor from Stanford University who said that, “...it is as proper to prevent a pauper,

⁶ *The Austin Weekly Statesman*, July 26, 1883 and August 9, 1883.

⁷ “Pauper Auctions,” *The Washington Post*, January 18, 1899.

⁸ *Abilene Daily Reporter*, December 16, 1910.

insane person, or criminal from reproducing his kind, as it is to punish him.”⁹ An article from a 1974 issue of the *Frontier Times* relates a story told by the daughter of one of the Cass County farm superintendents. A couple who dated in their youth had met again when they both lived at the poor farm. They wanted to get married, but the judge refused to perform the ceremony, insisting paupers could not wed.¹⁰

Those who found ways to marry faced more ridicule. The *Weekly Democratic Statesman* of Austin sarcastically congratulated two paupers in Fannin County who married in 1879. It read, “Two paupers at the poor farm got married the other day, and they will see what can be done in the way of increasing the stock on hand.”¹¹

Even propositions for new aid received scorn from the press. In 1901, US Congressman Henry Naphen of Massachusetts proposed a bill to set aside 5,000,000 acres of land for homesteads for the poor. Though this never came to fruition, the *El Paso Daily Herald* published an article entitled “To Give Away Free Homes to Tramps” which sufficiently mocked the piece of legislation. The article called the bill a “novel scheme” and “one of the most curious ever introduced in congress.” The article shows no care for those “weary willies” who would gain from the bill. However, the author does seem worried the government would give away homes to those who “shirk the duties of citizenship.”¹² The public did not show much support for paupers as the laughable response toward the federal government’s earliest attempts at placating the problems of the poor demonstrates.

⁹ *El Paso Daily Herald*, October 21, 1897.

¹⁰ Related in Cottrell, 177-178.

¹¹ *Weekly Democratic Statesman* (Austin, TX), September 4, 1879.

¹² *The El Paso Daily Herald*, February 28, 1901.

When the state legislature passed a law allowing old age pensions in 1936, the *Claude News* reported, "...there is no legal formality whereby an aged person must embarrass himself by declaring to the world that he is a pauper," indicating the potential mortification associated with pauperism.¹³ The public viewed paupers in such a negative light that when the *San Angelo Press* published an article on a mayor in Kentucky calling for charity to paupers, they titled it a "Unique Proclamation," signifying that few would have suggested the same.¹⁴ The poor did not receive as much assistance as they needed, and the public saw them generally as a waste of money. However, the law still required counties to provide for their support. Though at times the poor may have received insufficient support, the care provided by the local governments nevertheless proved to be expensive.

Questions concerning the cost of supporting the poor have always existed and will continue to arise as long as there are people who cannot support themselves. Under the poor laws, states delegated cost of care to counties, and many struggled to find the funds. Few states helped fund relief programs so it left most costs up to the county and municipal governments. This did two things: it increased awareness of the amount spent on the poor, and it placed a major financial burden on local governments.

Frequently, counties published listings of their accounts in local newspapers to inform the public of the state of finances. They itemized these accounts with lines mentioning what the commissioners spent on poor farms, pauper allowances, medical aid, and burials. As has been shown, care of the poor was not popular among the general public. So, when voters saw

¹³ *Claude News*, December 4, 1936.

¹⁴ *The San Angelo Press*, December 22, 1904.

how much counties spent on the poor, at times to the point of indebtedness, it did not bode well.

Entitlement programs constitute some of the largest expenditures by the federal government today, and this was no different under the poor laws. Counties spent thousands of dollars each year to pay for relief programs, and the costs rose annually. Travis County paid over \$8,500 for the care of the poor in 1888; \$9,100 in 1890; \$18,000 in 1894; and by 1896 the county spent over \$5,000 in just two months.¹⁵ These figures represented a significant part of the budget for local governments. In 1874, for instance, San Antonio spent one-third of its budget on support of the poor.¹⁶

Costs continued to rise and pose problems into the twentieth century. Harris County, in 1918, spent \$139,537.82 caring for the poor.¹⁷ As previously shown, Lubbock County spent well over \$60,000 in a seven year span during the Dust Bowl in the 1930s. During this same time Tom Green County spent over \$5,000 merely on allowances for those paupers they tried to keep from falling into institutional care. Law required counties to pay all costs for those on their pauper rolls, and as seen before, neither the state nor the federal government provided any assistance to counties until the 1930s. Some counties, like Lubbock, received funding only for public works projects, and that lasted less than a decade.¹⁸

¹⁵ *The Austin Statesman*, January 16, 1890; *The Austin Weekly Statesman*, May 2, 1889, February 15, 1894, and December 17, 1896.

¹⁶ *Weekly Democratic Statesman* (Austin, TX), October 29, 1874.

¹⁷ *The Aspermont Star*, August 1, 1918.

¹⁸ LC Commissioners' Court Minutes: Volume 6, County Clerk's Office, LC Courthouse, 25.

Supporting the poor proved to be an expensive venture. The state required commissioners to provide food and clothing as basic supplies for the poor. In the 1890s, L. Schwartz & Co. placed an ad in a San Angelo newspaper advertising the price of men's shirts at 75 cents apiece and pants at 50 cents apiece.¹⁹ Men's underwear cost between 30 cents and \$1 for a set.²⁰ Shoes cost between 75 cents and \$1.50 per pair.²¹ Ladies skirts sold for \$1.65, and ladies underwear for between 30 and 95 cents.²²

Counties also had to provide food. At the Blue Ribbon Restaurant in San Angelo, a hot meal cost between 25 and 50 cents.²³ This could have been covered by the allowances provided to the poor. However, a more cost effective way of acquiring food would be to purchase the ingredients oneself. At W.S. Veck's grocery store in San Angelo in 1885, flour cost between \$2.50 and \$4.50 for 100 pounds, bacon 8 cents a pound, and ham 14 cents a pound.²⁴ In 1895, flour cost between \$1.35 and \$1.90 per 100 pounds, and corn and beans cost 75 cents for twenty-four pounds.²⁵ Depending on where they housed the poor, counties could provide care for between five to ten dollars every month per person.

¹⁹ *San Angelo Standard*, October 26, 1895.

²⁰ *Ibid.*, January 25, 1896.

²¹ *Ibid.*, November 16, 1895.

²² *Ibid.*, January 7, 1899.

²³ *Ibid.*, August 2, 1884.

²⁴ Tom Green County Historical Society Collection, 1989.9, Originals Box 4, File 17, West Texas Collection, Angelo State University, San Angelo, TX.

²⁵ *San Angelo Standard*, October 12, 1895.

Counties spent much money caring for the poor, but they often ran into problems with finding the funds. In 1917, when Lubbock County decided purchasing a poor farm was a “public necessity,” the county had insufficient funds to do so. They had to pay for the farm with warrants which the buyer could not redeem for fifteen years at an interest rate of six percent. The county did not show how much the commissioners spent on the farm, but they capped the limit at \$15,000.²⁶ If the county paid the whole \$15,000 they would have ended up paying over \$35,000 at an interest rate of six percent for fifteen years. The county desperately needed the farm, but they started with a deficit.

State law did allow a special tax for the care of paupers, but counties could not assess more than one-fourth of one percent of taxable property for funds.²⁷ However, this was not a popular tax. Just as the public chastised those who received aid, they also opposed the procurement of funds to provide assistance. In 1878, Lampasas County had to consider passing the tax, but the people opposed it.²⁸ Nonetheless, the tax would only provide a nominal amount of money anyway. In 1888, Galveston County raised \$115,600.59 in taxes at a rate of 45¢ per every \$100 of taxable property. This means had the county implemented the tax only \$642.23 could have been designated specifically for support of paupers. That would not have covered many expenses considering the county spent over \$4,000 on the poor that year.²⁹ However, Texas counties did not have to pay nearly as much as those of other states.

²⁶ LC Commissioners’ Court Minutes: Volume 3, County Clerk’s Office, LC Courthouse, 139.

²⁷ Senate Bill 12.

²⁸ *The Lampasas Dispatch*, January 3, 1878.

²⁹ *Austin Weekly Statesman*, June 6, 1889.

As examples of some extreme cases, counties in states like New York or Massachusetts spent over \$1.5 million in 1879.³⁰ Ohio towns spent over half of their tax dollars in support of the poor.³¹ Counties in some states even had to declare bankruptcy in federal court.³² Because care took up so much of counties' funds, they had to find ways to keep costs down and provide aid only to those who deserved it.

Determining who deserves to receive public support and who does not has always perplexed welfare providers. In Texas, some of the laws helped to alleviate these concerns. These included the residency requirements, the requirements of commissioners to thoroughly investigate an applicant's background, and the law obligating the poor to do as the commissioners demanded of them. The first two were reasonable requests, but the third condition had mixed results.

Allowing commissioners such latitude permitted overseers to mistreat the poor. It perpetuated the problem of poor care and institutions. As previously discussed, the overseers often mistreated the poor or at least did not provide an adequate amount of care. Commissioners could do this because laws forced the poor to do as required. However, this rule did help at times. Between 1913 and early 1916, the Brown County poor farm remained vacant because the poor refused to live at the farm.³³ If the poor refused to live there, they could not receive assistance. This type of system did not necessarily mean only the poor

³⁰ Octave Thanet, "The Indoor Pauper: A Study," *Atlantic Monthly* 47, no. 284 (June 1881) 749-750.

³¹ *Ibid.*

³² "Pauper Counties," *The Christian Science Monitor*, October 5, 1940.

³³ *The Daily Bulletin* (Brownwood), June 25, 1916.

received aid. It simply allowed those who would be willing to live in the conditions of a poor house to receive aid. This provision had mixed results, and it kept some of the deserving poor from receiving much needed assistance. This appears to be a method by which counties tried to limit the number of poor receiving aid.

Some people tried proactive methods to reduce the numbers of the poor. In the nineteenth and early twentieth centuries, many groups and reformers, each with their own agenda, attempted this in several ways. Three major proposals to decrease the number of paupers emerged: new tariffs, immigration control, and prohibition of alcohol sales.

Politicians in favor of protective tariffs during this time generally argued that it would reduce pauperization in the United States. They claimed that countries in Europe subsidized workers' pay which kept prices lower than in the United States. After companies imported the goods to America, they continued to cost less than domestic products. They believed this would reduce jobs for American workers preventing them from supporting themselves and leading to a higher burden on the system.³⁴ Tariff advocates wanted to implement new tariffs against European imports in order to keep local merchandise more competitive and protect American jobs.

Some politicians wanted to prevent more than just foreign goods from entering the country. Immigration caused many concerns along the coasts and the southern border with Mexico. Advocates of immigration restrictions cited two reasons: most immigrants had little to no money so they added to the pauper rolls, and they worked for less than workers in the United States which added to depressed wages or unemployment for American workers.

³⁴ *The Washington Post*, May 17, 1884.

Immigrants consistently made up a large percentage of the pauper population. According to the 1890 census and other estimates of indigents, foreigners made up 61% of those on the pauper rolls, but immigrants represented only 38% of the total United States population.³⁵ In 1875, the *Montague News* in Montague, Texas, published an article saying, “The Immigration Bureau should be changed into an emigration bureau and transport the paupers back to their mother country and let them pilfer in their own native land.”³⁶ In 1884, the *New York Times* published an article saying that all immigrants to New York would have to prove they could support themselves before officials would allow them to disembark from the ships on which they came into port.³⁷

Immigration across the border with Mexico also posed a problem. A newspaper from Brownwood, Texas, contended that “keeping undesirables from crossing the international line” proved difficult.³⁸ Other than illegally crossing the border, some evaded the laws. One section of the immigration laws required immigrants to have \$30 worth of gold. The article says:

Several Mexicans...pool their money until the required \$30 is obtained. One will cross the line, after passing the examinations. He will then return the money to the Mexican side by a confederate, who it is said, gives it to another member of the band. The original \$30 is used again and again, and scores of Mexicans are said to gain entry in the United States, by the use of this fund.³⁹

³⁵ “The Census and Immigration,” *The Century* 46, no. 5 (Sept 1893), 737.

³⁶ Quoted in: *Weekly Democratic Statesman* (Austin, TX), August 5, 1875.

³⁷ “Pauper Kearney Released: Immigrants to be Examined Hereafter Before Leaving Their Ships,” *New York Times*, Aug 21, 1884.

³⁸ *The Daily Bulletin* (Brownwood, TX), February 8, 1916.

³⁹ *Ibid.*

Critics charged that this immigration placed huge burdens upon an already taxed system of welfare.

Prohibitionists on the other hand believed alcoholism caused more people to become paupers than any other issue, especially among the able-bodied poor who did not work. Some believed that one did not even have to be an alcoholic to make themselves a pauper. An article in 1877 from the *Weekly Democratic Statesman* of Austin, Texas, claimed that three drinks every day would cost \$110. “Every liquor shop is a pauper mill,” the article asserted, “Our working classes will inevitably be kept poor and dependent so long as the saloons are allowed to swallow up their hard-earned wages.”⁴⁰ Others alleged that alcohol increased idleness both within the drinker and his or her children, making the child of an alcoholic more likely to also become a pauper. Prohibitionists justified restrictions because “the right to use or not to use alcohol passes beyond the sphere of individual rights and comes into the sphere of social rights.”⁴¹

Some politicians believed that these issues exacerbated the pauper problem; others simply exploited the idea of pauperism in order to push their own agenda. While reducing the importation of cheap foreign goods, immigration, and alcoholism may have helped the problem, history indicates that other evils might also have risen that could have added to the problems such as the violence during the prohibition era.

⁴⁰ *Weekly Democratic Statesman* (Austin, TX), March 1, 1877.

⁴¹ *Ibid.*, February 8, 1877.

Chapter V

Conclusion

The Hereford Brand published this advertisement for J. G. Callens' dry goods store in 1905: "Men's Underwear and Hosiery...at prices so low that a pauper could almost fit himself out."¹ The public's ridicule of the poor as seen in this advertisement, makes social welfare's long history in the United States surprising. The poor laws of the many states evolved from the laws of England. They focused more on maintaining social order and preventing starvation than keeping the poor comfortable. These laws evolved over the nineteenth and twentieth centuries in America to provide aid to indigents. Lawmakers attempted to straddle a fine line between providing aid to the needy and preventing the wastefulness of providing aid to idle laborers. States passed welfare onto the local governments who barely bestowed the minimum of care for the poor. This contributed to the limited amount of care provided to individuals.

In the nineteenth century, Texas followed suit with many other states by passing the responsibility of care onto the county commissioners' courts. Counties reluctantly took charge of this responsibility. For example, in 1910, when Lubbock County considered contracts for the burial of paupers, the commissioners said, "This day the court had under consideration the cost of burying...persons whom the county is forced to bury..."² Commissioners saw paying even the smallest amounts of funds only as a necessary

¹*The Hereford Brand*, October 13, 1905.

² LC Commissioners' Court Minutes: Volume 2, County Clerk's Office, LC Courthouse, 220.

obligation. The attitude prevalent at the time combined with the high cost of care and the state restricting the ability to raise funds created an inefficient and inadequate welfare system.

Debbie Cottrell, in her article on poor farms, attributes the limited provisions to a sense of “rugged individualism” and self-reliance found within the United States, especially within Texas, due to its frontier nature.³ However, the evidence does not show this as the case. The research has shown that the frontier areas appear more receptive to helping the poor which contradicts the notion of rugged individualism. In West Texas, few people made complaints concerning the poor, while each of the court cases against the poor laws came from a more established county further to the East. Furthermore, on a national scale, the frontier states appeared more open to aiding the poor while the eastern states had the most stringent laws on relief. Idaho had the most relaxed laws concerning who could receive aid, and the New England states had the most restrictive.

Following from the data, a more reasonable explanation would be that a combination of insufficient funding and merely the attitude of the times concerning the use of public funds as a handout to support others led to the provision of minimal assistance. Lack of funding complicated issues as counties lacked the tax-base of state and federal governments. The attitude prevalent during this period does not validate the myth of the rugged individual either. This negative view more likely stems from Americans’ attitude toward taxation. This same idea still exists in the minds of many within today’s society as well, and one cannot accurately say it stems from an innate sense of rugged individualism as many Americans claim. Thus, the origin of this stigma warrants further investigation.

³ Cottrell, 172.

The area of Galveston, Texas also merits further study. Until 1900, Galveston served as the main shipping point into Texas and had the largest population in Texas. The city may provide a unique study for the state. The city's larger population would have warranted better mechanisms by which to provide care. As a port, the city also would have had a higher transient population which would have placed further burdens on the city. It may also present a challenging case for a historian. When a hurricane destroyed the city in 1900, many of its buildings washed away. Finding the sources to study the time before the hurricane may prove difficult.

Though this study raises new questions, it also answers many old ones. Texas provided neither the best nor the worst system of care across the nation. The public viewed those who received help from public funds negatively, but counties still tried to help the poor as the law required, even if reluctantly. However, as more people needed assistance upon the dawn of the Great Depression, counties could not provide sufficient aid through the current system.

The failings of the poor law system demanded a change in social welfare. During the 1930s state and federal governments took on more responsibility for indigent care. The Social Security Act in 1935, along with work programs from President Roosevelt's New Deal, helped to alleviate some of the stresses on the pauper systems. The federal government and states took on an increasingly larger role until President Lyndon Johnson's Great Society programs in the 1960s made the poor laws obsolete and the antiquated term "pauper" fell out of use. Despite the advances in the twentieth century, the United States has yet to "provide for the support" of its poor in "all that is necessary to bodily health and comfort" as P. J.

White required.⁴ Perhaps one day the federal government will realize this “supreme obligation of humanity.”⁵

⁴ *Monghon & Sisson v. Van Zandt*.

⁵ *Ibid.*

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